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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,004	01/04/2002	Ralph Weldy	0112480-010	7477
24573	7590	04/07/2004		EXAMINER
BELL, BOYD & LLOYD, LLC				CORBIN, ARTHUR L
PO BOX 1135				
CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/039,004	WELDY
Examiner	Group Art Unit	
ARTHUR L. CORBIN	1761	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

Responsive to communication(s) filed on 4-8-02

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 1 1; 453 O.G. 213.

**Disposition of Claims**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Claim(s) _____   | is/are pending in the application.                 |
| <input type="checkbox"/> Of the above claim(s) _____ | is/are withdrawn from consideration.               |
| <input type="checkbox"/> Claim(s) _____              | is/are allowed.                                    |
| <input checked="" type="checkbox"/> Claim(s) _____   | is/are rejected.                                   |
| <input type="checkbox"/> Claim(s) _____              | is/are objected to.                                |
| <input type="checkbox"/> Claim(s) _____              | are subject to restriction or election requirement |

**Application Papers**

- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). <u>640802</u> | <input type="checkbox"/> Interview Summary, PTO-413                     |
| <input checked="" type="checkbox"/> Notice of Reference(s) Cited, PTO-892                                     | <input type="checkbox"/> Notice of Informal Patent Application, PTO-152 |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948                              | <input type="checkbox"/> Other _____                                    |

**Office Action Summary**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by The Good Cook literature article (pages 96, 108,110)

The literature article discloses marinating, in a liquid marinade, chilled or cooled chicken pieces, e.g. slices, and then cooking.

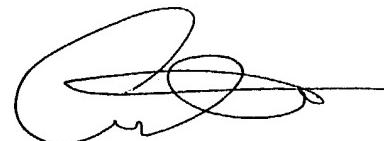
4. Claim 1 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Strong (4,012,808,cols. 5 and 6). Strong discloses cutting a chilled chicken into pieces, marinating in a liquid marinade, battering and breading if desired, and then cooking by frying. It would have been obvious to eliminate the battering and breading steps with their function if it is desired to prepare cooked chicken for individuals on low carbohydrate diets or for individuals who simply do not desire breading.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buckholz et al, Babka et al and Mason et al show various chicken marinating procedures followed by cooking.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Corbin whose telephone number is (571) 272-1399. The examiner can normally be reached on Monday-Friday from 10:30 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

A. Corbin/af  
March 25, 2004



ARTHUR L. CORBIN  
PRIMARY EXAMINER

3-26-04